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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLEN S. HEUSNER,

Petitioner,

vs.

WILLIAM HUTCHINGS, *et al.*,

Respondents.

Case No. 2:14-cv-01119-RFB-GWF

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME
TO FILE ANSWER TO HEUSNER'S
SECOND AMENDED PETITION FOR WRIT
OF HABEAS CORPUS (ECF NO. 44)**

(FIRST REQUEST)

Respondents move this Court for an enlargement of time of 60 days from the current due date of March 24, 2023, up to and including May 23, 2023, in which to file their Answer to Heusner's Second Amended Petition for Writ of Habeas Corpus. ECF No. 44. This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel.

This is the first enlargement of time sought by Respondents and is brought in good faith and not for the purpose of delay.

DATED: March 22, 2023.

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Katrina A. Lopez
Katrina A. Lopez (Bar No. 13394)
Deputy Attorney General

DECLARATION OF KATRINA A. LOPEZ

I, Katrina A. Lopez, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Allen S. Heusner v. William Hutchings, et al.*, Case No. 2:14-cv-01119-RFB-GWF, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The Answer to Heusner's Second Amended Petition is currently due on Friday, March 24, 2023.

4. Respondents have been unable with due diligence to timely complete the Answer.

5. In the past few months, Respondents filed a motion to dismiss filed February 2, 2023 (*Jerry E. Johnson v. Calvin Johnson, et al.*, Case No. 2:22-cv-00642-JAD-DJA); a reply in support of a motion to dismiss filed February 9, 2023 (*Corry Alexis Hawkins. v. Calvin Johnson, et al.*, Case No. 2:20-cv-01852-CDS-VCF); an answer filed March 9, 2023 (*Delbert Charles Cobb v. E.K. McDaniels, et al.*, Case No. 3:15-cv-00172-MMD-CSD); and various responses in state post-conviction cases. Respondents also have the following obligation due that this Court advised cannot be extended: an answer due April 10, 2023 (*Daniel Wolff v. Brian Williams, et al.*, Case No. 2:20-cv-00494-JAD-EJY).

6. Additionally, Respondents are reshuffling cases to accommodate various deadlines due to losing 3 Senior Deputy Attorney Generals and 3 Deputy Attorney Generals within a 15-month period. As a result, Respondents need additional time to complete the Answer.

7. Respondents communicated with counsel for Heusner regarding this extension and she does not object to this request.

8. Based on the foregoing, Respondents respectfully request an enlargement of time of 60 days from the current due date, March 24, 2023, up to and including May 23, 2023, to file our Answer to Heusner's Second Amended Petition.

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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on this 22nd day of March 2023.

3 /s/ Katrina A. Lopez

4 Katrina A. Lopez (Bar No. 13394)

5 Deputy Attorney General

6 IT IS SO ORDERED:

7 

8 RICHARD F. BOULWARE, II

9 UNITED STATES DISTRICT JUDGE

10 DATED this 23rd day of March, 2023.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to File Answer to Heusner's Second Amended Petition for Writ Of Habeas Corpus (ECF No. 44) (First Request)* with the Clerk of the Court by using the CM/ECF system on March 22, 2023.

The following participants in this case are registered CM/ECF users and will be served by the CM/ECF system:

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/s/ M. Landreth
An employee of the Office of the Attorney General